

Message Text

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ACTION L-03

INFO OCT-01 AF-10 EUR-25 ADP-00 ARA-11 EA-11 NEA-10 RSC-01

COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02 INR-09

NSAE-00 NSC-10 PA-03 PRS-01 SS-14 USIA-12 ACDA-19

AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08

JUSE-00 NSF-04 OMB-01 RSR-01 /217 W
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R 131610 Z MAR 73

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC 7156

INFO AMEMBASSY ACCRA

C O N F I D E N T I A L MOSCOW 2735

E. O. 11652: GDS

TAGS: PBOR, GH, UR

SUBJ: LAW OF THE SEA: SOVIET DEMARCHE TO GHANA

1. FEDOSEYEV, DEPUTY CHIEF MFA USA DIVISION, CALLED IN POL COUNS MARCH 13 AND READ ORAL STATEMENT ADVISING OF SOVIET DEMARCHE TO GHANA CRITICIZING GHANAIAAN DECISION TO EXTEND ITS TERRITORIAL WATERS TO 30 NAUTICAL MILES. FEDOSEYEV ASKED WHETHER SIMILAR DEMARCHE HAD BEEN MADE BY U. S. POL COUNS OBSERVED THAT U. S. ALSO OPPOSES UNILATERAL EXTENSIONS OF TERRITORIAL WATERS AND UNDERTOOK TO FIND OUT WHAT ACTION U. S. HAS TAKEN REGARDING GHANAIAAN DECISION.

ACTION REQUESTED: ADVISE WHETHER SIMILAR REPRESENTATION WAS MADE TO GHANA BY U. S. OR IS PLANNED, AND, IF SO, ADVISE WHAT WE MAY TELL MFA ABOUT IT SUBSTANCE.

2. FEDOSEYEV HANDED OVER WRITTEN TEXT OF HIS REMARKS, EMBASSY TRANSLATION OF WHICH FOLLOWS:
BEGIN TEXT : I HAVE BEEN INSTRUCTED TO INFORM YOU THAT IN CONNECTION WITH THE DECISION OF THE GOVERNMENT OF GHANA ON SEPTEMBER 12, 1972 TO EXTEND ITS TERRITORIAL WATERS TO 30
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NAUTICAL MILES, ON INSTRUCTIONS FROM THE USSR GOVERNMENT THE MINISTRY HAS MADE A REPRESENTATION TO THE EMBASSY OF THE REPUBLIC OF GHANA IN MOSCOW IN WHICH, SPECIFICALLY, IT IS NOTED THAT THE EXTENSION BY THE REPUBLIC OF GHANA OF ITS SOVEREIGNTY OVER A 30 MILE ZONE OF OPEN SEA IS INCOMPATIBLE WITH THE GENERALLY RECOGNIZED PRINCIPLE AND NORMS OF CONTEMPORARY INTERNATIONAL LAW WHICH FIND SUPPORT IN THE 1958 GENEVA CONVENTION ON THE OPEN SEA. ACCORDING TO THIS CONVENTION, " THE OPEN SEA IS OPEN TO ALL NATIONS, AND NO STATE HAS THE RIGHT TO CLAIM SOVEREIGNTY OVER ANY PARTY OF IT." AS IS KNOWN, THE UN' S INTERNATIONAL LAW COMMITTEE HAS RECOGNIZED THE PRINCIPLE THAT INTERNATIONAL LAW DOES NOT PERMIT THE EXTENSION OF TERRITORIAL WATERS BEYOND A 12 MILE LIMIT. THE OVERWHELMING MAJORITY OF MARITIME STATES IN THEIR LEGISLATIVE APPROACH TO THIS QUESTION ARE GOVERNED BY THIS VERY PRINCIPLE.

ADHERING TO GENERALLY RECOGNIZED PRINCIPLES AND NORMS OF INTERNATIONAL LAW, THE SOVIET UNION CONCLUDES THAT A MARITIME STATE HAS THE RIGHT TO EXTEND ITS TERRITORIAL WATERS UP TO 12 NAUTICAL MILES. THE DECISION TAKEN BY THE GOVERNMENT OF THE REPUBLIC OF GHANA TO EXTEND ITS TERRITORIAL WATERS IS ACTUALLY AN ATTEMPT TO EXTEND THE COUNTRY' S SOVEREIGNTY OVER THE OPEN SEA TO THE DETRIMENT OF THE RIGHTS AND INTERESTS OF OTHER STATES, WHICH COULD LIMIT FREEDOM OF NAVIGATION AND AIR COMMUNICATION, SCIENTIFIC EXPEDITIONS AND FISHING ACTIVITIES OF STATES.

IT WAS ALSO NOTED THAT THE EXTENSION OF TERRITORIAL WATERS WAS UNDERTAKEN BY THE GOVERNMENT OF THE REPUBLIC OF GHANA AT A TIME WHEN, WITHIN THE FRAMEWORK OF THE UN, PREPARATIONS ARE UNDERWAY FOR AN INTERNATIONAL CONFERENCE ON LAW OF THE SEA. IN THESE CIRCUMSTANCES, UNILATERAL ACTIONS BY STATES IN THIS FIELD ARE UNJUSTIFIED AND CAN ONLY COMPLICATE THE PREPARATORY WORK AND THE WORKING OUT OF SOLUTIONS AT THE CONFERENCE.

CONSIDERING THIS, THE SOVIET SIDE STATED THAT IT CANNOT RECOGNIZE AS LAWFUL ACTION BY THE GOVERNMENT OF GHANA TO EXTEND ITS TERRITORIAL WATERS TO 30 NAUTICAL MILES.

THE SOVIET SIDE IS INTERESTED IN KNOWING IF THE U. S. GOVERNMENT HAS MADE A REPRESENTATION TO THE GOVERNMENT OF THE REPUBLIC OF GHANA ON THIS MATTER. END TEXT.
DUBS

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*** Current Classification *** CONFIDENTIAL

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